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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,797	06/20/2001	Douglas C. Campbell	12195 (LUTA 0244 PUSP)	4483

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EXAMINER

LINNENKAMP, NICHOLAS L

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 12/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/885,797

Applicant(s)

CAMPBELL ET AL.

Examiner

Nicholas L Linnenkamp

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6,7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 9,13, 14, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Chutorash.

In reference to claim 1, Chutorash teaches of a remote keyless entry transmitter (74) for selectively controlling operation of at least one device comprising (devices to be controlled are 60, 68, 70):

- A microphone (46) mounted to the fob housing (22) for receiving a voice command.
- A processor connected to the microphone and arranged to detect and recognize the received voice command, wherein the processor is arranged to generate a control signal associated with the recognized voice command. (PDA transmits voice information collected from microphone 46 to computer 38 to be translated into a control command (Col 3, lines 19-25). Additionally, it is well known that PDAs have local processors).

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- A transmitter (74) responsive to the processor for transmitting the control signal to a receiver unit (72 or 76) to control operation of at least one device (60, 68, 70).

In reference to claim 2, Chutorash teaches that the processor comprises a microprocessor programmed to recognize a received voice command and generate an associated control signal. (Col 3, lines 19-25, computer is programmed through software to enable the voice recognition).

In reference to claim 3, Chutorash teaches that memory is connected to the processor for storing a table of key words, each of which is associated with a selected one of a plurality of control signals. (It is noted that computers have memory for storing programming and data information. In addition PDA contains memory 50 for holding information received from user or computer 38).

In reference to claim 9, claim 1 is taught as above. Chutorash teaches that PDA device can be programmed to control a plurality of devices through the use of voice commands through control signals (Col 3, lines 19-29).

In reference to claim 13, Chutorash teaches claim 13 similar to claim 1 above. In addition, Chutorash teaches that device to be controlled in the vehicle could be door locks and ignition (Col 1, lines 11-18; Col 3, lines 62-65).

In reference to claim 14, claim 13 is taught as above. Chutorash teaches of receiving a voice command associated with controlling operation of at least one device in addition to the vehicle lock (Col 3, lines 25-28 teach of additional devices to be controlled) and generating a control signal associated with the received keyword and

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transmitting the control signal to control operation of the device (Col 3, lines 19-25, computer is programmed through software to enable the voice recognition).

In reference to claim 18, Chutorash teaches of a microphone attached to the housing of the PDA and it is noted that PDA's contain processors of which Chutorash describes as having voice recognition software available to generate control signals associated with a voice command. Claim 18 is also taught similar to claim 1.

Thus Chutorash teaches all the limitations of claims 1-3, 9,13, 14, and 18.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 4-8, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chutorash in view of Namba et al. (heretofore Namba).

In reference to claim 4, Chutorash teaches of using a PDA in conjunction with computer to perform voice recognition. Chutorash does not teach of how to learn new key words or store the learned key word in a table of associations with selected control signals. Namba suggests the use of voice recognition section (14,15,16) for use with a PDA (9) to associate control signals (11) with learned key words (10). It is felt that storing data in place of data already stored would be an obvious extension of many programmable systems including the invention disclosed in applicant's specification, in that without the ability to erase or re-write memory locations that such a system would eventually be rendered inoperable because of the lack of adaptability.

It would have been obvious to one skilled in the art at the time of invention to combine the teachings of Chutorash with the suggestions of Namba because Chutorash teaches of using voice commands through a PDA to control access to a vehicle and Namba teaches of a specific voice recognition system implementation in order to control other devices. In addition, Chutorash suggests that voice recognition software be used with his invention (Col 3, lines 19-25).

In reference to claim 5, claim 3 is taught as above. Chutorash does not teach of the processor learning new key words, or storing the learned key word in the table in associations with a selected control signal. Namba suggests that voice recognition section (1) be arranged to information processing means (123) to learn/recognize a new keyword and store in the instruction information table (10) along with associating a

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selected control signal in the control information table (11). Namba suggests the use of a natural language voice recognizer for conversion of voice commands to syntax commands (Col 3, lines 4-14).

In reference to claim 6, claim 1 is taught as above. Claim 6 is taught similar to claim 5 above.

In reference to claim 7, claim 6 is taught as above. Chutorash does not teach of a programming switch located on the housing for initiating a learning mode for the processor. Namba suggests using a touch panel section (2) and a keyboard section (3) as inputs to the recognition result selecting section. It would have been obvious to one skilled in the art at the time of invention to include on the PDA a push button or stylus for indicating to the processor that learning mode should be entered.

In reference to claim 8, claim 1 is taught as above. Chutorash does not teach that the processor is arranged to learn different authorized voice signatures. Namba suggests that recognition results be stored in a storage unit (Col 4, lines 10-15). It is clear that Namba's invention can have multiple users, each defined by recognition results that are stored in a table (10) of result values.

In reference to claim 19, claim 18 is taught as above. Claim 19 is taught similar to claim 5 above.

In reference to claim 20, claim 19 is taught as above. Claim 20 is taught similar to claim 5

Thus, Chutorash and Namba teach all the limitations of claims 4-8, 19, and 20.

Claims 10-12, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chutorash in view of Kikinis et al. (heretofore Kikinis).

In reference to claim 10, claim 9 is taught as above. Chutorash teaches of remote keyless entry systems controlled by vehicles computer (Col 1, lines 17-19). Chutorash does not teach of controlling a garage door opener. Kikinis suggests the use of a PDA having enhanced host communication by which a garage door can be controlled through the use of the RF communications port (Col 16, lines 2-6).

In reference to claim 11, claim 9 is taught as above. Kikinis suggests controlling a garage doors, which are well known in the art to be attached to lighting systems that turn on during operation of the garage door and remain on for a period of time and often have the ability to turn the lights on without operation of the door. Thus, it would have been obvious and within the scope of Kikinis's invention to have the ability to control the lighting operation of the garage door opener either through opening the door or operating the lighting function.

In reference to claim 12, claim 9 is taught as above. Kikinis suggest controlling a security system (Col 16, lines 2-6).

In reference to claim 15, claim 14 is taught as above. Claim 15 is taught similar to claim 10 above.

In reference to claim 16, claim 14 is taught as above. Claim 16 is taught similar to claim 11 above.

In reference to claim 17, claim 14 is taught as above. Claim 17 is taught similar to claim 12 above.

It would have been obvious to one skilled in the art at the time of invention to combine the teachings of Chutorash with the suggestions of Kikinis because Chutorash teaches of using a PDA as functional unit in a car security system and Kikinis suggests using a PDA for enhanced host communication. Both system share similarities in development platform and in remote entry and security, and Kikinis suggests that his device be used for communicating with an array of conventional appliances for remote control (Col 15, lines 60-65).

Thus, Chutorash and Kikinis teach all the limitations of claims 10-12, and 15-17.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas L Linnenkamp whose telephone number is (703) 305-8701. The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (703) 305-4704. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

Nicholas L Linnenkamp
Examiner
Art Unit 2635

NLL

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
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